

PUBLIC ACTS, 1999

CHAPTER NO. 235

SENATE BILL NO. 1

By Mr. Speaker Wilder, Person

Substituted for: House Bill No. 2

By Hargrove

AN ACT To revise and codify the general and public statutes of the State of Tennessee, to the extent incorporated herein, as a part of Tennessee Code Annotated; to provide in case of any conflict between Acts of the 1999 Session of the General Assembly and this Act, the former shall be controlling, regardless of the respective dates of passage or approval; and to repeal all laws codified in this Act.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. The General and Public Laws of the State of Tennessee, to the extent incorporated herein, on revisal be a part of Tennessee Code Annotated as follows, to wit:

(Contents of bill and amendments attached)

SECTION 2. This act shall take effect on becoming a law, the public welfare requiring it.

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AMENDMENT NO. 1
to
SENATE BILL NO. 1/HOUSE BILL NO. 2

Amend by inserting the following new section (Section 22 of Chapter 1101 of the Public Acts of 1998) in the appropriate numerical sequence in the amendatory language on page 16.

6-54-126. Zoning limitations on agricultural land. For any land that is presently used for agricultural purposes, a municipality may not use its zoning power to interfere in any way with the use of such land for agricultural purposes as long as the land is used for agricultural purposes.

AMENDMENT NO. 2
to
SENATE BILL NO. 1/HOUSE BILL NO. 2

Amend by deleting the language designated as Section 66-19-103 in the amendatory language on page 804 and substituting the following language:

66-19-103. Garagekeeper's or towing firm's lien.

(a)(1)(A) Garagekeepers or establishments substantially in the business of towing vehicles for hire, pursuant to the provisions of Title 55, Chapter 16, hereinafter referred to as "towing firms" shall be entitled to a lien upon all vehicles, which lawfully come into their possession and are retained in their possession until all reasonable charges due are paid. A garagekeeper may, after ninety (90) days, enforce this lien in the manner prescribed for the enforcement of artisans' liens under §§ 66-14-102 - 66-14-106 except the garagekeeper shall only be required to advertise the sale one (1) time in a newspaper published in the place where the sale is to be held.

(B) If the motor vehicle, including any associated rental equipment, clearly identifies the rental company and a garagekeeper or towing firm lawfully comes into possession of the vehicle and any associated equipment, then the garagekeeper or towing firm shall notify the rental company at the address identified on the vehicle or associated equipment within three (3) working days of taking possession of such vehicle or equipment by registered mail return receipt requested.

(2) The Commissioner of Commerce and Insurance or the Commissioner's designee shall notify the Commissioner of Safety of violations of subdivision (1). Upon receiving such notice, the Commissioner of Safety shall suspend any contract that the state may have for towing services with the garagekeeper or towing firm for a period of sixty (60) days or notify the appropriate authority to suspend all such contracts with the state.

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(3) In addition to any other penalty provided for violation of this section, a violation of subdivision (a)(1) shall also be a violation of Title 47, Chapter 18, Part 1, and the rental company may seek relief under such statute.

(4) A garagekeeper or towing firm may not collect any storage or related fees for any period of time in which the garagekeeper or towing firm was in violation of subdivision (1) with respect to a motor vehicle or associated equipment.

(5) The Commissioner of Commerce and Insurance is authorized to promulgate rules and regulations to effectuate the purposes of this subsection in accordance with the provisions of the Uniform Administrative Procedures Act, compiled in Title 4, Chapter 5.

(6) The provisions of subdivisions (1)(B) and (2) through (5) of this subsection and § 55-16-112 shall not apply to new or used motor vehicle dealers licensed under Title 55, Chapter 17, Part 1.

(b) For purposes of this section, "garagekeeper" means any operator of a parking place or establishment, motor vehicle storage facility, or establishment for the servicing, repair or maintenance of vehicles.

(c) No person, firm, or entity shall have a right to a lien on any vehicle that has been towed without authorization of a police department or the owner of the vehicle or where the vehicle has been towed in violation of any provisions of Title 55, Chapter 16, Part 1.

(d)(1) Any authorization made by a police department to tow a vehicle shall be made in writing. Such authorization shall include:

- (A) The name of the officer giving authorization;
- (B) The year, make and model, and color of the vehicle to be towed;
- (C) The reason for the tow;
- (D) The license plate number, if any; and
- (E) The vehicle identification number, if it is ascertainable.

(2) A copy of such authorization shall be posted with the vehicle by the officer giving authorization, and shall remain with the vehicle until the vehicle is claimed by the owner.

(e) No person, firm or entity shall have a right to a lien against a lienor, who is also the seller of such motor vehicle, for repairs made on such motor vehicle that has been towed unless the person, firm or entity making the repairs has received a written authorization from such lienor to make such repairs on the motor vehicle.

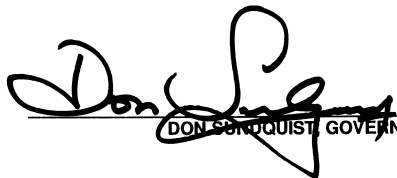
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PASSED: May 13, 1999


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 25th day of May 1999


DON SUNDQUIST, GOVERNOR